

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

ENGIE RESOURCES, LLC, et al.,

Plaintiffs,

v.

No. 1:25-CV-024-H

VIRIDITY ENERGY SOLUTIONS  
INC.,

Defendant.

**ORDER DISMISSING ACTION FOR  
WANT OF SUBJECT-MATTER JURISDICTION**

The plaintiffs filed their original complaint on February 7, 2025. Dkt. No. 1. That complaint asserted diversity jurisdiction as the basis of this Court's subject-matter jurisdiction. *See id.* at 2. Because the complaint failed properly to allege that citizenship of the plaintiff Engie Resources, LLC, the Court ordered the plaintiff to file an amended complaint by no later than March 4, 2025, that alleged diversity of citizenship in conformity with 28 U.S.C. § 1332. Dkt. No. 4. The plaintiffs filed an amended complaint on February 17, 2025, which properly alleged the citizenship of Engie Resources, LLC. Dkt. No. 6. The plaintiffs' amended complaint again predicates subject-matter jurisdiction upon diversity of citizenship under 28 U.S.C. § 1332. *Id.*

Diversity jurisdiction exists when the amount in controversy exceeds \$75,000 and all parties are completely diverse. 28 U.S.C. § 1332(a). Complete diversity requires that "the citizenship of each plaintiff must be diverse from the citizenship of each defendant."

*Mitchell v. Bailey*, 982 F.3d 937, 942 (5th Cir. 2020). In other words, "all persons on one side

of the controversy [must] be citizens of different states than all persons on the other side.”

*McLaughlin v. Miss. Power Co.*, 376 F.3d 344, 353 (5th Cir. 2004).

The amended complaint alleges that the plaintiffs are citizens of Texas and Delaware. *See* Dkt. No. 6 at 1–2. It then alleges that the defendant is a citizen of Delaware and Nevada. *Id.* at 2. As persons on both sides of the controversy are citizens of Delaware, there is not complete diversity in this action. *See Mitchell*, 982 F.3d at 942.

Accordingly, the Court dismisses this action without prejudice for want of subject-matter jurisdiction.

So ordered on February 28, 2025.



---

JAMES WESLEY HENDRIX  
UNITED STATES DISTRICT JUDGE